

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

ELLEN T. FLOWERS,

Plaintiff,

VS.

ALLSTATE INDEMNITY COMPANY,

Defendants.

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CASE NO.: CV 3:06-552-SRW

**JOINT MOTION TO CONTINUE AND REQUEST FOR
ENTRY OF SCHEDULING ORDER**

COME NOW the parties, Plaintiff and Defendant, and respectfully request this Court enter an Order continuing this case from its August 6, 2007 trial date and entering the attached proposed Scheduling Order. As grounds therefore, the parties show unto the Court as follows:

1. Plaintiff's Complaint was originally filed on or about January 24, 2006 in the Circuit Court of Macon County, Alabama. On or about June 21, 2006, this lawsuit was removed to the United State District Court for the Middle District of Alabama, Eastern Division.
2. On or about September 22, 2006, Allstate submitted Interrogatories and Requests for Production to Plaintiff. With regard to Plaintiff's responses, this Defendant has yet to receive any responses.
3. On November 2, 2006, this Court entered an Order granting Plaintiff's attorney's motion to withdraw. Additionally, this Court ordered Plaintiff to comply with several requirements in regards to retaining counsel in this action.

4. On February 12, 2007, just three weeks prior to this Court's original deadline to file any dispositive motions, attorney Michael F. Braun filed a Notice of Appearance for Plaintiff.
5. On February 26, 2007, counsel for Allstate filed a Request for Relief from the dispositive motions requirements set forth within this Court's August 10, 2006 Order.
6. On March 1, 2007, this Court granted Allstate's motion for relief and ordered that all dispositive motions be filed on or before April 20, 2007.
7. To date, this Defendant has not received any responses to their discovery requests, nor had the opportunity to depose the Plaintiff.
8. It would be extremely prejudicial to Defendant Allstate to maintain the current April 20, 2007 dispositive motion deadline. To do so, would require Allstate to obtain Plaintiff's discovery responses, have Plaintiff sit for deposition and then draft its Motion for Summary Judgment within the next 31 days.
9. In light of the circumstances surrounding this case, the parties have met and prepared a proposed Scheduling Order. Under the Scheduling Order as proposed, this case would be trial ready by October 2007.
10. All parties consent to the continuance of this matter and to the entry of the proposed Scheduling Order attached hereto.

WHEREFORE, PREMISES CONSIDERED, the parties, Plaintiff and Defendants, respectfully request this Court enter an Order continuing this case from its August 6, 2007 trial setting and additionally entering the attached proposed Scheduling Order.

Respectfully submitted,

s/Gordon J. Brady, III

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NO ORAL ARGUMENT REQUESTED

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2007, I electronically served the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing ans/or by depositing a copy of same in the United States Mail, postage prepaid and properly addressed on the following:

Michael F. Braun
P.O. Box 70527
Montgomery, Alabama 36107

s/Thomas E. Bazemore, III
Of Counsel

